

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Amsterdam House Continuing Care
Retirement Community, Inc.,
d/b/a The Harborside,

Case No. 23-70989-ast

Chapter 11

Debtor.

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AMENDED ORDER CONCERNING SALE HEARING

The Court enters this Order in accordance with Section 105(d) of the Bankruptcy Code and Federal Rule of Civil Procedure 16, as incorporated by Rules 1001, 7016, 9014 and 9019 of the Federal Rules of Bankruptcy Procedure.

Pending before the Court are the following:

Motion for Sale of Property under Sec. 363(b) Substantially All of the Debtor's Assets. Objections to be filed on February 5, 2025 at 4:00 p.m. (ET). (the "Motion"). [dkt item 951]

Debtor's Motion for Entry of an Order Authorizing the Debtor to Implement Plans of Closure for Debtor's Health Center (the "Closure Motion"). [dkt items 959, 962]

Motion to Dismiss Case Filed by the United States Trustee (the "UST MTD", or together with the Motion and the Closure Motion, the "Motions"). [dkt item 925]

A live evidentiary hearing ("Hearing") concerning the Motions shall be held on **February 20, 2025 at 11am**, Courtroom 960, United States Bankruptcy Court, 290 Federal Plaza, Central Islip, New York.

Any objections to the Closure Motion and the UST MTD shall be filed and served on or before **February 18, 2025 at 4:00 pm EST**

Debtor and all parties supporting the Motions shall be given **forty-five (45) minutes** collectively to present all evidence and arguments.

All parties timely opposing the Motions shall be given **forty-five (45) minutes** collectively to present all evidence and arguments.

The Office for the United States Trustee shall be given **fifteen (15) minutes** to present all arguments and evidence.

Mandatory settlement conference:

The following parties shall attend an in person, hybrid or virtual settlement conference on **February 12, 2025 from 10am to 4pm EST**, and/or such additional times as may be required, to attempt in good faith to resolve the issues concerning the Motions and entrance fee refund claims of current and former residents and the rejection of tenant residency agreements: Debtor; Amsterdam Continuing Care Health System, Inc. (the “Member”), and Amsterdam Nursing Home Corporation (1992) d/b/a Amsterdam Nursing Home; UMB Bank, N.A., in its capacity as bond trustee (the “Bond Trustee”); the Official Committee of Unsecured Creditors; the *Ad Hoc* Residents Group; the UST; the Residents Council Chair *Pro Tem*; and/or any other parties whose presence is necessary or advisable to reach a global resolution of the Motions and tenant refund claims. The conference shall be attended by business representatives of such persons and entities along with counsel, if any, with authority to settle. Debtor shall arrange the logistics of the settlement conference. A report of the settlement conference results shall be filed no later than **February 18, 2025 at 4:00p.m.; notwithstanding anything contained herein, the Court shall not be advised of offers made or rejected, only settlements reached.**

Direct Testimony by Affidavit:

The parties shall submit any direct testimony from themselves and any witness under their control (including experts) concerning the Closure Motion and the UST MTD by Affidavit signed by the witness(es).

Affidavits in support of the Closure Motion and the UST MTD shall be filed with the Court no later than **February 14, 2025 at 4:00 pm EST.**

Affidavits in opposition to the Closure Motion and the UST MTD shall be filed with the Court by **February 18, 2025 at 4:00 pm EST**

Copies of all filed Affidavits shall be served upon the opposing party(or parties) by facsimile, electronic mail, or first class mail simultaneously with the filing of same with the Court. Any witness for whom an Affidavit of direct testimony has been filed must appear at the Hearing for cross-examination.

Any objection to any portion of any witness affidavit, including evidentiary objections, shall be filed no later than **February 18, 2025 at 4:00 pm EST.**

Nothing contained herein, however, shall limit the applicability of Rule 7032 of the Federal Rules of Bankruptcy Procedure.

Parties shall bring sufficient copies of all exhibits to Court for the Hearing so that a copy is available for the Courtroom Deputy, the witness and each counsel. The parties shall provide one(1) additional set of exhibits in hard copy, and two (2) additional sets on a CD rom, flash drive or other media to Chambers no later than **February 18, 2025 at 4:00 pm EST.** Exhibits shall be assembled in notebooks tabbed with appropriate exhibit numbers (Debtor and all parties supporting the Motion shall designate its exhibits using numbers; all parties opposing the Motion


shall designate their exhibits using letters).

Service:

Debtor shall serve this Order, within one (1) business day of entry on (i) all parties-in-interest in this bankruptcy case, as well as (ii) the New York State Department of Health and any other applicable New York State regulatory agencies with jurisdiction over any licenses of Debtor and/or any plan of closure.

Dated: February 10, 2025
Central Islip, New York




Alan S. Trust
Chief United States Bankruptcy Judge